

Introduced by Senator Correa
(Coauthor: Assembly Member Mansoor)

February 20, 2014

An act to amend Section 83123.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1226, as introduced, Correa. Political Reform Act of 1974: local campaign finance reform.

Existing law authorizes the Fair Political Practices Commission, upon mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino. Existing law authorizes the Commission to investigate possible violations of the local county campaign finance reform ordinance and bring administrative actions against persons who violate the ordinance, as specified. Existing law requires the Board of Supervisors of the County of San Bernardino to consult with the Commission prior to adopting and amending any local campaign finance reform ordinance that is subsequently enforced by the Commission. Existing law specifies that the Board of Supervisors of the County of San Bernardino and the Commission may enter into any agreements necessary and appropriate for the operation of these provisions, including agreements for reimbursement of state costs with county funds, as specified. Existing law provides that the Board of Supervisors of the County of San Bernardino or the Commission may, at any time, by ordinance or resolution, terminate any agreement for the Commission to administer, implement, or enforce the local campaign finance reform

ordinance or any provision thereof. Existing law requires the Commission to report to the Legislature with specified information on or before January 1, 2017, if the Commission enters into an agreement with the Board of Supervisors of the County of San Bernardino.

This bill would extend these provisions to the County of Orange.

The bill would make legislative findings and declarations concerning the need for special legislation.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 83123.5 of the Government Code is
2 amended to read:

3 83123.5. (a) Upon mutual agreement between the Commission
4 and the ~~Board~~ *board* of ~~Supervisors~~ *supervisors* of the ~~County of~~
5 ~~San Bernardino~~, *a participating county*, the Commission is
6 authorized to assume primary responsibility for the impartial,
7 effective administration, implementation, and enforcement of a
8 local campaign finance reform ordinance passed by the ~~Board~~
9 ~~board of Supervisors~~ *supervisors* of the ~~County of San Bernardino~~
10 *participating county*. The Commission is authorized to be the civil
11 prosecutor responsible for the civil enforcement of that local
12 campaign finance reform ordinance in accordance with this title.
13 As the civil prosecutor of the ~~County of San Bernardino's~~
14 *participating county's* local campaign finance reform ordinance,
15 the Commission may do both of the following:

16 (1) Investigate possible violations of the local campaign finance
17 reform ordinance.

18 (2) Bring administrative actions in accordance with this title
19 and Chapter 5 (commencing with Section 11500) of Part 1 of
20 Division 3 of Title 2.

21 (b) Any local campaign finance reform ordinance of the ~~County~~
22 ~~of San Bernardino~~ *participating county* enforced by the
23 Commission pursuant to this section shall comply with this title.

1 (c) ~~The Board board of Supervisors supervisors of the County~~
2 ~~of San Bernardino participating county~~ shall consult with the
3 Commission prior to adopting and amending any local campaign
4 finance reform ordinance that is subsequently enforced by the
5 Commission pursuant to this section.

6 (d) (1) ~~The Board board of Supervisors supervisors of the~~
7 ~~County of San Bernardino participating county~~ and the
8 Commission may enter into any agreements necessary and
9 appropriate to carry out the provisions of this section, including
10 agreements pertaining to any necessary reimbursement of state
11 costs with county funds for costs incurred by the Commission in
12 administering, implementing, or enforcing a local campaign finance
13 reform ordinance pursuant to this section.

14 (2) An agreement entered into pursuant to this subdivision shall
15 not contain any form of a cancellation fee, a liquidated damages
16 provision, or other financial disincentive to the exercise of the
17 right to terminate the agreement pursuant to subdivision (e), except
18 that the Commission may require the ~~Board board of Supervisors~~
19 ~~supervisors of the County of San Bernardino participating county~~
20 to pay the Commission for services rendered and any other
21 expenditures reasonably made by the Commission in anticipation
22 of services to be rendered pursuant to the agreement in the event
23 that the ~~Board board of Supervisors supervisors of the County of~~
24 ~~San Bernardino participating county~~ terminates the agreement.

25 (e) ~~The Board board of Supervisors supervisors of the County~~
26 ~~of San Bernardino participating county~~ or the Commission may,
27 at any time, by ordinance or resolution, terminate any agreement
28 made pursuant to this section for the Commission to administer,
29 implement, or enforce a local campaign finance reform ordinance
30 or any provision thereof.

31 (f) If an agreement is entered into pursuant to this section, the
32 Commission shall report to the Legislature regarding the
33 performance of that agreement on or before January 1, 2017, and
34 shall submit that report in compliance with Section 9795. The
35 Commission shall develop the report in consultation with the
36 ~~County of San Bernardino participating county~~. The report shall
37 include, but not be limited to, all of the following:

38 (1) The status of the agreement.

39 (2) The estimated annual cost savings, if any, for the ~~County of~~
40 ~~San Bernardino participating county~~.

1 (3) A summary of relevant annual performance metrics,
2 including measures of utilization, enforcement, and customer
3 satisfaction.

4 (4) Any public comments submitted to the Commission or the
5 ~~County of San Bernardino~~ *participating county* relative to the
6 operation of the agreement.

7 (5) Any legislative recommendations.

8 (g) *For purposes of this section, “participating county” means*
9 *the County of Orange or the County of San Bernardino.*

10 ~~(g)~~

11 (h) This section shall remain in effect only until January 1, 2018,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2018, deletes or extends that date.

14 SEC. 2. The Legislature finds and declares that a special law
15 is necessary and that a general law cannot be made applicable
16 within the meaning of Section 16 of Article IV of the California
17 Constitution because of the necessity to ensure the integrity of the
18 electoral process while reducing corruption, and the appearance
19 of corruption, in the County of Orange.

20 SEC. 3. The Legislature finds and declares that this bill furthers
21 the purposes of the Political Reform Act of 1974 within the
22 meaning of subdivision (a) of Section 81012 of the Government
23 Code.